



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for February 17, 2023

Note: These summaries are descriptions prepared by individual MSPB employees. They do not represent official summaries approved by the Board itself, and they are not intended to provide legal counsel or to be cited as legal authority. Instead, they are provided only to inform and help the public locate Board precedents.

COURT DECISIONS

NONPRECEDENTIAL:

Casillas v. Department of Veterans Affairs, [2022-2264](#) (Fed. Cir. Feb. 16, 2023) (MSPB Docket No. DA-1221-22-0164-W-1). The Court dismissed the petitioner's untimely filed petition for review of the Board's final decision. The Court also held it was inappropriate to transfer the case to district court because the petitioner's Board appeal was not a mixed case and the petitioner was not adversely affected by the Board's decision, which granted his request to withdraw his appeal, as required for judicial review under 5 U.S.C. § 7703(a)(1).

Harrow v. Department of Defense, [2022-2254](#) (Fed. Cir. Feb. 14, 2023) (MSPB Docket No. PH-0752-13-3305-I-1). The Court dismissed the petitioner's untimely filed petition for review of the Board's final decision on the grounds that it could not excuse a failure to timely file based on individual circumstances, and rejected the argument that the Board had authority to extend the deadline to petition the court for review.

[MSPB](#) | [Case Reports](#) | [Recent Decisions](#) | [Follow us on Twitter](#) | [MSPB Listserv](#)